

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA
CIVIL ACTION NUMBER 1:07-CV-00953

RYAN MCFADYEN; MATTHEW WILSON; and
BRECK ARCHER,

Plaintiffs,

v.

DUKE UNIVERSITY; DUKE UNIVERSITY
POLICE DEPARTMENT; AARON GRAVES;
ROBERT DEAN; LEILA HUMPHRIES; PHYLLIS
COOPER; WILLIAM F. GARBER, II; JAMES
SCHWAB; JOSEPH FLEMING; JEFFREY O. BEST;
GARY N. SMITH; GREG STOTSENBERG;
ROBERT K. STEEL; RICHARD H. BRODHEAD,
Ph.D., PETER LANGE, Ph.D.; TALLMAN TRASK,
III, Ph.D.; JOHN BURNESS; LARRY MONETA,
Ed.D.; VICTOR J. DZAU, M.D.; ALLISON
HALTON; KEMEL DAWKINS; SUZANNE
WASIOLEK; STEPHEN BRYAN; MATTHEW
DRUMMOND; DUKE UNIVERSITY HEALTH
SYSTEMS, INC.; PRIVATE DIAGNOSTIC CLINIC,
PLLC; JULIE MANLY, M.D.; THERESA ARICO,
R.N.; TARA LEVICY, R.N.; THE CITY OF
DURHAM, NORTH CAROLINA; MICHAEL B.
NIFONG; PATRICK BAKER; STEVEN
CHALMERS; RONALD HODGE; LEE RUSS;
STEPHEN MIHAICH; BEVERLY COUNCIL;
EDWARD SARVIS; JEFF LAMB; MICHAEL
RIPBERGER; LAIRD EVANS; JAMES T.
SOUKUP; KAMMIE MICHAEL; DAVID W.
ADDISON; MARK D. GOTTLIEB; BENJAMIN W.
HIMAN; LINWOOD WILSON; RICHARD D.
CLAYTON; DNA SECURITY, INC.; RICHARD
CLARK; and BRIAN MEEHAN, Ph.D.,

NOTICE OF SPECIAL
APPEARANCE

Defendants.

Pursuant to Local Rule 83.1, please take notice of the special appearance of William F. Lee, of Wilmer Cutler Pickering Hale and Dorr LLP, as counsel of record for Defendant Duke University in the above-captioned civil action.

Mr. Lee certifies that he is an active member in good standing of the bars of the State of Massachusetts, the United States Supreme Court, the United States Court of Appeals for the Fourth Circuit, the United States Court of Appeals for the Federal Circuit, the United States Court of Appeals for the First Circuit, the United States Court of Appeals for the Seventh Circuit, the United States District Court for the District of Massachusetts, the United States District Court for the Northern District of New York, the United States District Court for the Eastern District of Wisconsin, and the United States District Court for the Northern District of California.. Mr. Lee further certifies that he understands that by entering an appearance he is responsible for ensuring the presence of an attorney who is familiar with the case and has authority to control the litigation at all conferences, hearings, trials and other proceedings. Mr. Lee still further certifies that he submits to the disciplinary jurisdiction of the court for any misconduct in connection with the above-captioned civil action for which he is specially appearing.

Mr. Cowan and Ms. Wells certify that they remain responsible to this court for the conduct of the litigation and acknowledge that one of them must sign all pleadings and papers, except for certificates of service. Mr. Cowan and Ms. Wells further certify that one of them will be present during pretrial conferences, potentially dispositive proceedings, and at trial.

This 29th day of February 2008.

W.F.L.

William F. Lee
Massachusetts Bar Number: 291960
Wilmer Cutler Pickering Hale and Dorr LLP
60 State Street
Boston, Massachusetts 02109
Telephone: (617) 526-6556
Facsimile: (617) 526-5000
Email: william.lee@wilmerhale.com

/s/ J. Donald Cowan, Jr.

J. Donald Cowan, Jr.
N.C. State Bar No. 0968
SMITH MOORE LLP
P.O. Box 21927 [27420]
300 N. Greene Street, Suite 1400
Greensboro, NC 27401
Telephone: (336) 378-5382
Facsimile: (336) 433-7485
Email: don.cowan@smithmoorelaw.com

/s/ Dixie T. Wells

Dixie T. Wells
N.C. State Bar No. 26816
SMITH MOORE LLP
P.O. Box 21927 [27420]
300 N. Greene Street, Suite 1400
Greensboro, North Carolina 27401
Telephone: (336) 378-5289
Facsimile: (336) 433-7461
Email: dixie.wells@smithmoorelaw.com

Attorneys for Defendant Duke University

CERTIFICATE OF SERVICE

I hereby certify that on 29 February 2008, I electronically filed the foregoing Notice of Appearance with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Counsel for the Plaintiffs

Robert C. Ekstrand
Email: rce@ninthstreetlaw.com

*Counsel for James T. Soukup; Kammie Michael; David W. Addison;
and Richard D. Clayton*

James B. Maxwell
Email: jmaxwell@mfbpa.com

Counsel for Benjamin W. Himan

Joel Miller Craig
Email: jcraig@kennoncraver.com

Counsel for Mark D. Gottlieb

Edwin M. Speas, Jr.
Email: espeas@poynerspruill.com

Counsel for DNA Security, Inc. and Richard Clark

Robert J. King III.
Email: rking@brookspierce.com

*Counsel for Defendants Duke University Health Systems, Inc.,
Private Diagnostic Clinic, PLLC, Julie Manly, M.D., Theresa Arico,
R.N., and Tara Levicy, R.N.*

Dan J. McLamb
Email: dmclamb@ymwlaw.com

*Counsel for Defendants Duke University, William F. Garber, II,
James Schwab, Joseph Fleming, Jeffrey O. Best, Gary N. Smith,
Greg Stotsenberg, Robert K. Steel, Richard H. Brodhead, Ph.D.,
Peter Lange, Ph.D., Tallman Trask, III, Ph.D., John Burness, Larry
Moneta, Ed.D., Victor J. Dzau, M.D., Allison Halton, Kemel
Dawkins, Suzanne Wasiolek, Stephen Bryan, Matthew Drummond,*

*Duke University Police Department, Aaron Graves, Robert Dean,
Leila Humphries, Phyllis Cooper*

James Donald Cowan, Jr.

Dixie Wells

Email: don.cowan@smithmoorelaw.com

Email: dixie.wells@smithmoorelaw.com

Counsel for the City of Durham, North Carolina and Edwin Sarvis

Reginald B. Gillespie, Jr.

Email: rgillespie@faison-gillespie.com

As of the date of this filing, no attorney has made an appearance on behalf of any of the following Defendants. I hereby certify that I served the following Defendants by U.S.

Mail:

Patrick Baker
101 City Hall Plaza
Durham, NC 27701

Michael B. Nifong
615 November Drive
Durham, NC 27712

Lee Russ
Durham Police Department
505 W. Chapel Hill Street
Durham, NC 27701

Ronald Hodge
Durham Police Department
505 W. Chapel Hill Street
Durham, NC 27701

Beverly Council
Durham Police Department
505 W. Chapel Hill Street
Durham, NC 27701

Stephen Mihaich
Durham Police Department
505 W. Chapel Hill Street
Durham, NC 27701

Jeff Lamb
Durham Police Department
District 2
1058 West Club Boulevard
Durham, NC 27701

Michael Ripberger
Durham Police Department
District 2
1058 West Club Boulevard
Durham, NC 27701

Laird Evans
Durham Police Department
District 2
1058 West Club Boulevard
Durham, NC 27701

Linwood Wilson
6910 Innesbrook Way
Bahama, NC 27503-9700

Brian Meehan, Ph.D.
DNA Security, Inc.
1902 Tucker Street
Burlington, NC 27215

As of the date of this filing, no attorney has made an appearance on behalf of any of the following Defendants, and I have not been able to determine an address whereby service may be had on them:

Steven Chalmers

This 29th day of February 2008.

/s/ William F. Lee
William F. Lee

Attorney for Defendant Duke University